

CORRES. CONTROL  
INCOMING LTR NO.

3438 RF 92

DUE  
DATE



Department of Energy

ROCKY FLATS OFFICE  
P.O. BOX 928  
GOLDEN, COLORADO 80402-0928

JUN 29 1992

92-DOE-704

EC&C  
ROCKY FLATS PLANT  
CORRESPONDENCE CONTROL

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ACTION

DIST. LTR ENC

BENJAMIN, A.		
BERMAN, H.S.		
BRADY, J.A.		
BRANCH, D.B.		
CARNIVAL, G.J.		
COPP, R.D.		
CORDOVA, R.C.		
DAVIS, J.G.		
EVERED, J.E.		
FERRERA, D.W.		
GOODWIN, R.		
HANNI, B.J.		
HEALY, T.J.		
HILBIG, J.G.		
IDEKER, E.H.		
KERSH, J.M.		
KIRBY, W.A.		
KRIEG, D.		
KUESTER, A.W.		
LEE, E.M.		
MARX, G.E.		
MORGAN, R.V.		
PIZZUTO, V.M.		
POTTER, G.L.		
SANDLIN, N.B.		
SATTERWHITE, D.G.		
SCHUBERT, A.L.		
SHEPLER, R.L.		
SULLIVAN, M.T.		
SWANSON, E.R.		
TALLMAN, K.G.		
WILKINSON, R.B.		
WILSON, J.M.		
ZANE, J.O.		
Hobbs	EX	
Ogg	EX	
Pichelo	EX	

Mr. Gary Baughman  
Hazardous Waste Facilities Unit Leader  
Colorado Department of Health  
4210 East 11th Avenue  
Denver, Colorado 80220

Gentlemen:

The staff from the Department of Energy (DOE) Rocky Flats Office Environmental Restoration Division and Chief Counsel's office have received your comments and EPA's comments on the Draft Operable Unit No. 16 (OU16) No Further Action Justification Document that RFO submitted on March 4, 1992. DOE also attended a meeting to discuss OU16 with EPA and CDH on June 2, 1992, and appreciates the opportunity to have met with CDH and EPA staff.

It is clear that both regulatory agencies regard the draft document as having problems and both agencies requested additional information be included in the Final document. DOE is in the process of responding to those requests and intends to provide an acceptable Final document.

In that regard, CDH and EPA appear to be providing DOE with divergent guidance, both in your comments, and in the aforementioned meeting. As lead regulatory agency, it is CDH's responsibility to consolidate the regulatory position. DOE has received guidance ranging from providing additional information for certain sites, to performing a generic risk assessment similar to the OU3 Final Remedy Report, to meeting RCRA Clean Closure requirements, to preparing a Record of Decision document and a Proposed Plan document. DOE is unclear whether "situation no. 1" or "situation no. 3" of the ROD guidance offered by EPA is appropriate for all of OU16, or if some sites require no. 1, while others require no. 3.

DOE was also requested to provide schedules for proposed future events that exceed the IAG scope, and for which there are no negotiated milestones, and no scheduled funding. Requests by the regulatory agencies for additional effort in excess of the IAG will need to be negotiated as provided for in PART 32 of the IAG, ADDITIONAL WORK OR MODIFICATION TO WORK. Funding for any future negotiated effort would require DOE to submit a formal request to DOE Headquarters for funding in future budgets. Is DOE being requested to perform additional work addressed by PART 32 of the IAG?

CORRES CONTROL x x  
TRAFFIC

Reviewed for Addressee  
Corres. Control, RFP

7-1-92

DATE BY

Ref Ltr. #

ADMIN RECORD

A-0016-000009

JUN 29 1992

G. Baughman  
92-DOE-7041

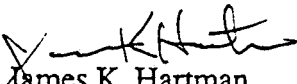
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In summary, the regulatory agencies' guidance provided to DOE is confusing, and in certain aspects, unreasonable. DOE seeks clarification of the regulators' requests and further guidance. DOE believes the problems arise from deficiencies in the IAG itself. For example, OU16 of the IAG appears to be a catch-all for unrelated past occurrences that received "site" designation, but didn't fit into the characteristics of the 15 other OUs. Many of these so-called "sites" that make up OU16 may have required the Preliminary Assessment/Site Investigation process and ranking procedures to determine if they should have reasonably been elevated to "site" designation initially.

DOE intends to reasonably satisfy the requirements of the IAG as it is currently written, and justify No Further Action for the OU16 "sites." DOE has instructed EG&G and its subcontractor to fulfill the IAG requirements for OU16, provide additional information and documentation where possible, and add fate and transport information to the document. There may also be additional surface water data available from DOE site-wide activities, such as tritium data. The level of effort to produce the Final document by the IAG schedule date appears substantial. The conflicting guidance from the regulatory agencies at the June 2, 1992 meeting, implies additional effort in excess of the IAG. Clear guidance is requested.

Please direct any questions or future guidance to contact Robert Birk of my staff at 966-5921.

Sincerely,

  
James K. Hartman  
Assistant Manager  
for Environmental Management

cc:

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